

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LANDRY LOTT,

Plaintiff,

v.

DAVID F. NAPOLI, et al.,

Defendants.

ORDER
08-CV-877A

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On July 29, 2009, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that the action be dismissed with prejudice.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, the action is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b).

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 19, 2009